

Remarks

Claims 1 - 66 remain in this application. Applicants hereby elect claims 1 – 39 and 53 – 66 in response to the Examiner’s Election/Restriction Requirement.

1. Response to Election of Species Requirement

The Examiner asserts that the application contains claims directed to certain patentably distinct species and goes on to list these species as including: species 1 (Figures 1 – 6); species 2 (Figures 7, 8, and 11); species 3 (Figure 9); species 4 (Figure 10); species 5 (Figure 12); species 6 (Figure 13); species 7 (Figure 14); and species 8 (Figure 15).

The Applicants respectfully point out that the Election of Species Requirement by the Examiner is improper because the present application *is not* directed to a plurality of species comprising a genus, as the Examiner asserts. Applicants respectfully point out that the term genus is defined as “*a class of objects divided into subordinate species having certain common attributes.*” Further, the word “species” refers to “*a class of objects grouped by virtue of their common attributes and assigned a common name.*” For example, a “shoe” refers to a class of objects (i.e., a genus) having subordinate species such as sneakers, running shoes, oxfords, and penny loafers, to name a few.

On the other hand, the Examiner’s grouping of the various embodiments disclosed in the application is not logically grouped by species. For example, by referring to the “Brief Description of the Drawings” Section of the specification, we learn that Figure 1A and Figure 1B are drawn to the electrical wiring system, which is a *combination* of a wiring device (first *subcombination* element) and a connector (A second *subcombination* element). Figures 2 – 6 are directed to the first subcombination element, the wiring device. Accordingly, Figures 1 – 6 *cannot be directed to a single species* because they include the combination device and one of the subcombination elements Figures 7 – 15, on the other hand, are directed to various embodiments of the second subcombination element. To bring this further into focus, Applicants respectfully point out that a wiring system that includes a device and a plug connector, the device, and the plug connector can hardly be considered species belonging to the same genus. It simply does not make logical sense.

As alluded to above, the present invention is directed to a combination (i.e., an electrical wiring system and method of installing said system); a wiring device (i.e., a

receptacle, GFCI, AFCI, etc.), and a connector (i.e., a plug) that mates with the wiring device to the system. The following table relates the combination and subcombination to each Figure and the corresponding claims.

Table

Element	Figures Shown	Claims
1. Wiring system (Combination)	Figures 1 – 2	1 – 39, and 55 – 66
2. Wiring device (Subcomb.)	Figures 3 – 6	43 – 52
3. Connector No. 1 (Subcomb.); Connector No. 2; Connector No. 3 Connector No. 4 Connector No. 5	Figures 7, 8, 11 – 13; Figure 9; Figure 10; Figure 14; and Figure 15	40, 41, 42, 53, and 54.

The Applicants traverse the Examiner's Election of Species for the reasons provided above. Furthermore, Applicants also assert that a restriction requirement is not proper for the combination and subcombination claims provided in the above captioned application.

Applicants understand that they are required to make an election of the invention to be examined in accordance with 37 C.F.R. 1.143. Accordingly, the Applicants respectfully request that claims 1 – 39 and 55 – 66 be examined. These claims are directed to the combination wiring system and the corresponding method for installing the system.

2. Conclusion

Based upon the remarks, and papers of record, Applicant respectfully requests consideration of the pending elected claims 1 – 39 and 55 – 66.

Applicant believes that no extension of time is necessary to make this Response timely. Should Applicant be in error, Applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Response timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 50-1546.

Please direct any questions or comments to Daniel P. Malley at (607) 330-4010.

Respectfully submitted,

BOND, SCHOENECK & KING, PLLC


Daniel P. Malley

Registration No. 43,443

BOND, SCHOENECK & KING, PLLC

10 Brown Rd., Suite 201

Ithaca, NY 14850-1248

Date: 10/19/04